

AUG 20 2002

CLERK, U.S. DISTRICT COURT

By Deputy

In the United States District Court for the Northern District of Texas
Dallas Division

(USA and)
Jamal Elhaj-Chehade
Co- plaintiff

Vs.
Educational Commission for Foreign Medical Graduates
Et al entities and individuals) Defendants

3:01-CV-01301-L

**Plaintiff's preliminary response comment regarding the defendants filings
dated August 12, 2002 and their attachments and exhibits...**

August 20, 2002

Comes now on this date the plaintiff is filing his preliminary short comment(response)
to the defendants filing dated August 12, 2002 and received August 20, 2002 as follow:

1-The plaintiff firmly reaffirms his position and requests for an emergency relief and
injunction before any further proceeding; such relief is urgent and it is to identify the
plaintiff's NEEDS and meet them by the defendants. Any proceeding outside such
conduct constitute misidentification of the plaintiff's needs/ or meet them.

2- the plaintiff affirms that the defendants filings(August 12, 2002) is improper and
inappropriate and firmly denied by the plaintiff in both content and manner. The
defendants filing contain false informations that have been repeatedly denied and rejected
by the plaintiff in the past and the plaintiff without waiving any right or the alternative
reaffirm his opposition to the defendants filing, comment, statement and affidavit and the
plaintiff will not reargue the matter word by word at this time(but he will do so in the
courtroom). In addition the defendants filings violate many FRCP rules of evidence and
cost of litigation.

3- the plaintiff reaffirms that the defendants filings constitute evidence against them in
misleading, deception and of their intention to take advantage of the plaintiff. And to take
advantage of the plaintiff does not constitute identification of the plaintiff's needs(or
meeting them)

4- the defendants statements are not only lies, but are also sometime contradictory to their
previous statement in the past and the plaintiff is raising the issue of **perjury by the
defendants**

5- the defendants filings provide evidence of the defendants past experimentations with
the plaintiff. But the current cause of action is a different cause and incident (different
circumstances and needs and ongoing violations) the plaintiff simply is asking the
defendants to stop their experimentation with the plaintiff, and start taking their job
seriously by starting to identify and meet the plaintiff's needs. And the plaintiff rejects
the defendants arguments and all their statement regarding relief, the plaintiff is entitled
for every relief because of the defendants repetition and violations the plaintiff also
affirms that the amount of reliefs is dependent upon the defendants behavior(how soon

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they will properly identify and meet the plaintiff's needs, and the defendants by now should be able to do so having subjected the plaintiff to extensive abuse and experimentation).

6- the plaintiff reaffirms that he did not waive his rights **for Jury** or failed to request jury. Simply the plaintiff requested preliminary emergency injunction regarding his needs identified and met before any further proceeding or jury. This cause is amenable to jury and 501-C-3 is only a small portion of the claim. The jury is requested to argue of what constitute a NEEDS, and how the defendants are performing their activities(fraud, deception, smuggling and hiding the assets... and the matter also involve the fate of missing or hidden MILLIONS of dollars in (plaintiff's) benefit money¹. To hide assets or to invest at the expense of the plaintiff needs make the defendants fully liable for all the plaintiff's lack of advancement and for causing his current stagnation. The defendants are also liable for misusing the assets against the plaintiff including hiring attorneys against the plaintiff.

7- the defendants filing is not appropriate for this current cause of action and thus are irrelevant, furthermore many are either lies, deceptive, or inadmissible including Judge Boyle opinion which is void and null under various FRCP rules (FRCP rule 12-b4 28 , USCA, and FRCP 55c, and 55e and 60b.... And where court actions were outrageous U.S. vs Assad 179 FRD 170 MDNC 1998 , and Walker & Zanger(West Coast) v Stone Design 4 F Supp 2d 931 affirmed 142 F 3d 447 C.D. California 1997. And where courts actions were fabricated or inconsistent , or fraud and perjury exist FRCP 60-b-4 Webb v. James 147 F 3d 617 USCA7 Illinois 1998, FRCP 60 In re Craddock 149 F 3d 1249 USCA10 Colorado 1998

8- even if judge Boyle opinion is valid², it is nevertheless inappropriate for this new or different cause of action and ongoing violations and current proceeding. And jury is a Must. And the reliefs must be ongoing(it is not one time deal) and this case is **UNIQUE**

9- the plaintiff also rejects the defendants argument about relief matters. The defendants do have a duty and responsibilities to promote excellence and advancement of the plaintiff and to **identify his needs**/meet them and maximize his benefits and expand his opportunities. And the plaintiff cannot apply for license or be employed unless the defendants fully fulfill their responsibilities toward the plaintiff. Therefore the defendants are liable for all damages done to the plaintiff that are related to their delay in identifying and meeting the plaintiff's needs.... Therefore the reliefs must meet the plaintiff's needs.

¹ There are millions of dollars missing that were supposed to be used to promote excellence, advancement, and maximize the plaintiff's benefits, and programs to benefit the plaintiff. For example, the defendants claimed in one year income tax to have over sixty million dollars invested with earning. However, on the following year, the defendants claimed fraudulently to be in debt(so where the money went?)

² On april 11, 2002 Barry Moscovitz, defendants attorney, admitted ARROGANTLY that all the courts proceedings were done with prior arrangement between his client ECFMG and the courts, and that all the proceeding were done just to make them look like properly done, and Barry Moscovitz will be subpoenaed to the court.- it is unconceivable Exparte communication between ECFMG and the court, therefore Jury is a must.

The defendants liabilities extend not only to delay in licensure but also to undue duress and harassment, profiling, alienation(society, affection, community, and career etc...) therefore the relief must include a yearly component(monetary and otherwise) awarded to the plaintiff as to bring the defendants violations to an end and the defendants can reduce their liabilities by starting identifying and meeting the plaintiff's needs as fast as possible. Further and further reliefs are the rule until the defendants comply. In addition, reliefs must be not only monetary but also educational and support and other forms.

10- the defendants are also liable not only for failure to identify/meet needs but also for the consequences should other parties attempt to identify the needs etc..... the plaintiff asserts that the defendants do have duty to identify and meet the plaintiff's needs regardless of past history.

11- the argument will include what constitute a needs, is discrimination, is hiding the assets constitute need/ and where all those promotion and advancement of the plaintiff education etc.... and the list is endless.

12- wherefore premise considered, the plaintiff prays that preliminary injunction to identify his needs and meet them be done prior any further proceeding and injunction relief is the first demand from the court. And that any relief that does not identify and meet the plaintiff needs will be rejected and void. The matter and evidence is simple: anything that does not meet the plaintiff needs is not a proper identification of the needs and it does not lead to maximizing of the plaintiff's benefits. The plaintiff legal needs must be met first if necessary, and taking advantage of the plaintiff(as in the defendants filing) is not proper identification of needs. Whatever it takes to have the proper identification of the plaintiff's needs must be done(see also plaintiff's filing on July 20, 2002). Jury is demanded

Certificate of service and conference: This is to certify that a true copy of the foregoing was sent via airmail and e-mail to the defendants attorney Mark Robert at his address of record at 6688 N Central Expressway# 850, Dallas, Texas 75206-3913. And that On July 17, 2002 the defendants attorney Mark Robert admitted via telephone that his client is unable to identify and meet the plaintiff s needs and they are unwilling/unable to save the plaintiff the loss of one more year. In addition all the plaintiff statements or exhibits or attachments if any are true under the penalty of perjury.

Respectfully submitted.

Dr Jamal Elhaj_chehade Pro-se (tentatively until his needs are identified and met before trial)

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